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June 28, 2016

VIA EMAIL and U.S. Mail

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Re: Former Williams Air Force Base (AFB)
Site ST012, Liquid Fuels Storage Area
June 22, 2016 BRAC Cleanup Team (BCT) Call

Dear Mr. Butler and Mr. Trost:

I am outside counsel for AMEC Foster Wheeler, remediation contractor to the Air Force (AF) on the above-referenced Project. This letter concerns the monthly regulatory conference call conducted on June 22, 2016, among members of the BCT, including representatives of the EPA, the Arizona Department of Environmental Quality (ADEQ), the AF, Amec Foster Wheeler, various EPA and ADEQ consultants and counsel. Both of you gentlemen were on the call representing the EPA and AF, respectively. I was on the call, as was Debbie Barrow, Ph.D., Esq., in-house counsel for Amec Foster Wheeler. I also participated in the BCT conference call conducted on May 19, 2016.

I do not know whether either of you was a participant in the May 19, 2016 BCT call. I was, although my status has always been that of an observer, rather than an active participant. During the May 19, 2016 BCT call, I was taken aback by the unprofessional conduct exhibited by Ms. Carol d'Almeida, the EPA RPM, and Ms. Eva Davis, a hydrologist in GWERD's Ada, Oklahoma Applied Research and Technical Support Branch. A substantial portion of the discussion focused on the transition of the ST012 remedy from the Steam Enhanced Extraction (SEE) to Enhanced Bioremediation (EBR). EPA representatives were questioning whether the transition was appropriate due to the presence of Light Non-Aqueous Phase Liquid (LNAPL) at the site.

While there may understandably exist technical differences between EPA/ADEQ and the AF over remedy implementation, I would expect such differences to be presented and discussed professionally and objectively. The EPA representatives exhibited an ability to do neither. Instead, they taunted Amec Foster Wheeler's Mr. Don Smallbeck and insisted upon absolute

certainty in answers, forecasts and projections in technical areas where an iterative and adaptive process for overall remediation is provided in the RAWP approved by both the EPA and the AF. The inappropriate and unprofessional conduct culminated when Ms. d'Almeida, the EPA RPM, stated during the May 19, 2016 BCT call that Amec Foster Wheeler, after challenging some of Ms. d'Almeida's unsupported conclusions, would potentially have joint and several liability under CERCLA if contamination is spread from ST012. That statement was unprofessional, reckless, malicious and clearly unfounded. The RPM's assertion is clearly not supported by CERCLA, in particular 42 U.S.C. § 9619(a), which provides qualified immunity to CERCLA response action contractors. There has been no contention whatsoever — and there can be none — that Amec Foster Wheeler has acted either with negligence or intentional misconduct to cause a release at ST012. The AF will attest to quite the contrary. As the EPA knows, the AF is the responsible party and signatory authority for the FFA and Operable Unit 2 (OU-2) decision documents. Ms. d'Almeida's threat was grossly unprofessional, unwarranted and legally unsupportable.

Frankly, I had expected, and hoped strongly, that the EPA's representatives' lack of professionalism manifested in the May 19, 2016 BCT call was an aberration. Unfortunately, the June 22, 2016 BCT call proved otherwise. During that call, which both of you monitored, EPA representatives continued their unprofessional conduct, apparently rooted in a disagreement between the EPA and the AF concerning approaches to achieve remedial objectives. Under the guise of inquiries, Mr. Smallbeck was pelted with rhetorical and self-serving questions to which he was often not permitted to provide a fulsome response. Mr. Smallbeck was constantly interrupted and EPA representatives were disrespectful, unprofessional and belligerent. The disrespect devolved to the point where EPA representatives were openly sarcastic, chuckling between themselves, and outright rude when addressing Mr. Smallbeck. Adding to the circus-like atmosphere was one consultant's audible snoring during the call.

The BCT calls are designed to provide for the exchange of information and constructive ideas and commentary. They are not to be transmuted into a vehicle by which the EPA conducts what clearly appears to be a dispute with the AF concerning approaches to achieve remedial objectives. My understanding is that such is the purpose of the FFA dispute resolution process.

I have been asked to observe the BCT calls without interjecting any commentary, counsel or instruction. I have done so in the last two calls. However, if in the future I observe any conduct approaching that which was displayed by EPA representatives on both the May 19 and June 22 BCT calls, I will unmute my line and instruct Mr. Smallbeck, as well as any other Amec Foster Wheeler representatives, to disengage from the call and participate no further.

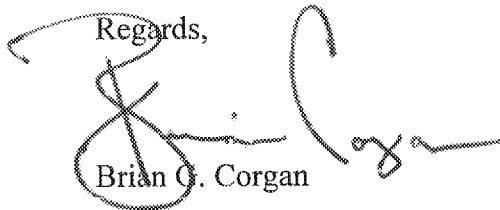
Finally, please provide to me the appropriate protocol and requisite contact information for requesting the replacement of Ms. d'Almeida and Ms. Davis. I plan to send the transcripts of the May 19 and June 22 BCT calls to the appropriate individual(s), and request that formal disciplinary action be taken against each. Clearly, neither representative has any objectivity and is proceeding for the sole purpose of furthering their personal agenda, which includes punitive

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measures directed at those who voice technical challenges or responses to EPA's unfounded contentions and overt threats, both of which were liberally and carelessly disseminated. Please provide this information to me at your earliest convenience.

I trust that you were as embarrassed as I that U. S. government representatives would conduct themselves in such a foolish and unbecoming manner and that you will take this opportunity to communicate the foregoing to your agencies' respective representatives.

If you have any questions, please feel free to give me a call.

Regards,

Brian G. Corgan

cc: Deborah Barrow, Ph.D., Esq. (via email)